IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 2816 of 1999

Between:

Kancherla Israil, S/o Danial,
R/o Bidaru Dibba, Yazali, Tarlapalem Mandal, Guntur Dist.

..... PETITIONER

AND

1 Regional Joint Director of Higher Education, Guntur.
2 General Manager, Salvation Army William Booth Junior College,
Territorial Head Quarters, 15, Ritherden Road,
Post Box,.453, Vepery, Chennai 600 007
3 Secretary & Correspondent, Salvation Army William Booth

Junior College, Bapatla, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, more in the nature of Mandamus, declaring the action of the respondents in not considering the case of the petitioner for appointment to the post of Records Assistant in the existing vacancy in the 3rd Respondent College i.e., Salvation Army William Booth Junior College, Bapatla, by declaring the proceedings dated 14-9-98 of the 3re Respondent as being arbitrary, illegal, unconstitutional and violative of Articles 14 and 21 of the Constitution of India and issue a consequential direction directing the respondents to forthwith consider and appoint the petitioner as Record Assistant.

Counsel for the Petitioner : MR. G. Elisha

Counsel for Respondent No.1 : GP FOR HIGHER EDUCATION

Counsel for Respondent No.3 : Sri C.R.Sridharan

The Court made the following :

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ORDER :

The petitioner was allegedly appointed as Record Assistant in third respondent Junior College. His services were, however, terminated with effect from 7-7-1986. The petitioner made representations to the third respondent to consider his case for appointment as Record Assistant in any of the existing vacancies, in vain. Therefore, petitioner filed a writ petition being W.P.No.21220 of 1998. This Court disposed of the writ petition directing the General Manager of the third respondent Junior College to consider the case of the petitioner for appointment to the post of Record Assistant in any existing vacancies along with other eligible candidates. By impugned communication dated 14-9-1998 the Education Secretary of Salvation Army informed the petitioner that there is no vacancy in the post of Record Assistants in the Junior College, Bapatla. This is assailed in this writ petition contending that a vacancy has arisen on 30-6-1998 due to superannuation of Sri B.Vandanam and that he ought to have been considered in the said vacancy.

The petitioner, as such, has no right for being appointed to the post of Record Assistant. However, like any other citizen, he has a right to be appointed to any public post. The third respondent is a minority educational institution, and therefore, he cannot be said to have any right, which has been infringed if his claim is negatived on the ground that there is no vacancy.

The writ petition is misconceived and accordingly dismissed. No costs.

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(V.V.S.RAO, J.)

09-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Regional Joint Director of Higher Education, Guntur.
2 General Manager, Salvation Army William Booth Junior College,
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3 Secretary & Correspondent, Salvation Army William Booth

Junior College, Bapatla, Guntur District.

4. 2CCs to Government Pleader for Higher Education,

High Court of A.P.,Hyderabad.

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.2816 of 1999

09-09-2004.

(Msr)